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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,001	07/05/2001	Shinichi Matsushita	Q65191	1660

7590 11/18/2004

SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

LIEN, TAN

ART UNIT PAPER NUMBER

2141

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/898,001	MATSUSHITA ET AL.	
	Examiner	Art Unit	
	Tan Lien	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTIONS

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in foreign Application No. 2001-103608, filed on 04/02/2001.

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 2, 6: From the limitation "from the result of the analysis deciding whether to transmit the electronic document to some other destination device or deciding the destination of the electronic document that is to be relayed," it is not clear as to what exactly is intended by the limitation. To the Examiner, the two elements of the "OR" means the same thing. Deciding to transmit is similar in scope as deciding the destination to relay it to. There may be an error due to grammatical structure of the

sentence and word choice. The Examiner will construe the limitation to mean “to transmit or relay the electronic document.”

The other claims are rejected by virtue of their dependencies.

Claims 1-6: The limitation “electronic document” seems to encompass an electronic message or any one line log message as explained in paragraph [0016 – 0018]. The word document might be misused to mean message instead of a long messages in a document.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Costales et al (US Patent 6,044,395).

Claim(s) 1, 2, 6: Costales teaches a device for exchanging electronic documents between a plurality of devices, the device comprising:

an analyzing unit which analyzes electronic document received from a source device, from the result of this analysis decides whether to transmit the electronic document to some other destination device or decide the destination of the electronic document that is to be relayed (this limitation is construed in 112(2nd) section above) (col. 4, lines 13-15 and FIG. 3, ref. 301; wherein FIG. 3, reference

301 is the analyzing unit that analyzes a group of messages and determine if the messages are conducive to transmission);

a dividing/merging unit which divides or merges documents to be relayed (col. 2, lines 33-59 and FIG. 3, ref. 204, 306, 312; wherein information common to multiple e-mail messages is sent as common content chunks but merged into many different e-mail messages at the final destination) in accordance with a predetermined length of the electronic document and allowable stay times for respective destination device (col. 9, lines 35-63); and

a transmitting unit which transmits the divided or merged electronic document to the destination device (FIG. 2, ref. 202).

Claim(s) 4: Costales teaches the device in claim 2, wherein

said transmitting unit converts the electronic document into a format that is acceptable to the destination device (col. 10, lines 24-31; wherein the transmitting unit contacts the receiving computer and transmit each line of data in MMTP format before sending it out).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2141

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Costales as applied to claim 2 above, and further in view of Inoue (US Patent 5,694,543).

Claim(s) 3: Costales teaches the device in claim 2, but fails to teach

a cutoff unit which stops the flow of transmission of the electronic document when the number electronic documents generated within a predetermined time exceeds a predetermined value.

Inoue, in an analogous art, teaches sending a stop message to the substitution response section via the network to stop the transmission of response for polling request from the server unit when the monitor time exceeds a predetermined time (col. 3, lines 30-35). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Costales' system of transmitting analyzed and merged or combined content chunks and include Inoue's substitution section of stopping transmission of polling request when the monitor time exceed the predetermined time, for the advantage of cost efficiency in using a substitution system (col. 2, lines 18-40).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Costales as applied to claim 2 above, and further in view of Mercola et al (US Patent 4,959,833).

Claim(s) 5: Costales teaches the device in claim 2, and a dividing/merging unit that merges a plurality of electronic documents into a single electronic document that has a length which is equal to or less than a predetermined length within the allowable stay time, but fails to teach

storing or keeping electronic document in a waiting list until the allowable stay time has elapsed.

Mercola, in an analogous art, teaches storing original message block in a buffer for a length of time (allowable stay time) and transmit the message block after that period of time. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Costales' system of transmitting analyzed and merged content chunks with Mercola's unit of storing the message until a length to transmit the message, for the advantage of efficiently retransmitting the data block or message (col. 2, lines 30-38).

Conclusion

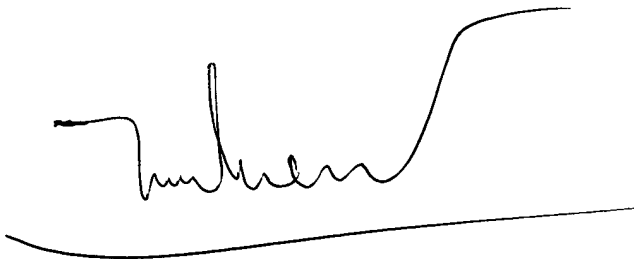
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Lien whose telephone number is (571) 272-3883. The examiner can normally be reached on Monday-Thursday from 8:30am to 6pm. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for this Group is (703) 305-3718.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [tan.lien@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.



LE HIEN LUU
PRIMARY EXAMINER